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DEC - 2 2010

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JACOB ALLAN SHOUSE,
Plaintiff,

v.

TRACY RAY, et al.,
Defendants.

) Civil Action No. 7: *09*-cv-00440

) MEMORANDUM OPINION

) By: Hon. Jackson L. Kiser
) Senior United States District Judge

Plaintiff Jacob Allan Shouse, a Virginia inmate proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983 with jurisdiction vested in 28 U.S.C. § 1343. In his complaint, plaintiff alleges that the defendants, individuals at the Virginia Department of Corrections' ("VDOC") Red Onion State Prison ("ROSP"), violated his constitutional rights by not providing adequate medical services after his suicide attempt in October 2007. Plaintiff names as defendants the warden of the ROSP ("correctional defendant") and several physical and mental health providers ("medical defendants"). The correctional defendant and medical defendants filed their respective motions for summary judgment, and plaintiff responded.

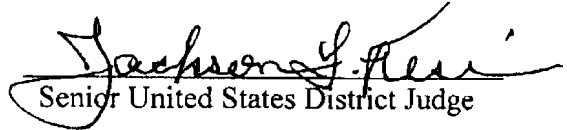
By a memorandum opinion and order dated August 26, 2010, I referred the issue of exhaustion of administrative remedies to the United States Magistrate Judge to make determinations of fact and conclusions of law about whether plaintiff fully exhausted his administrative remedies pursuant to the Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), concerning the medical treatment he received after his October 2007 suicide attempt. The Magistrate Judge held an evidentiary hearing on October 25, 2010, and issued a report and recommendation on November 10, 2010. The Magistrate Judge found that plaintiff failed to exhaust his administrative remedies and recommended that I grant the correctional defendant's motion for summary judgment. The report advised the parties that any adjudication of fact or

conclusion of law rendered therein and not specifically objected to within fourteen days may become conclusive upon the parties. However, no party timely filed an objection.

I have reviewed the Magistrate Judge's report and recommendations and pertinent portions of the record, and I agree with its findings and recommendations. Accordingly, I adopt that report, grant the correctional defendant's motion for summary judgment and deny the medical defendants' motion for summary judgment as moot.

The Clerk is directed to send copies of this memorandum opinion and the accompanying order to plaintiff and counsel of record for the defendants.

ENTER: This 2nd day of December, 2010.


Senior United States District Judge